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Attorneys for Defendant
Mr. Garcia

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:23CR228-DJC
Plaintiff,)
vs.) STIPULATION AND ORDER TO CONTINUE
) STATUS HEARING AND EXCLUDE TIME
EDGAR ENRIQUE GARCIA-LOPEZ,) Date: January 25, 2024
) Time: 9:00 a.m.
) Judge: Daniel J. Calabretta
<u>Defendant.</u>)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Alstyn Bennett, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Hootan Baigmohammadi, counsel for Defendant Edgar Enrique Garcia-Lopez, that the previously scheduled Status Hearing set for January 25, 2024 be continued to March 7, 2024 at 9:00 a.m.

The parties specifically stipulate as follows:

1. The government filed an indictment on September 14, 2024. ECF no. 15. A little more than three months ago, Mr. Garcia last appeared before this Court on October 5, 2023. ECF no. 19.
2. By previous order, the Status Hearing is currently scheduled for January 25, 2024 at 9:00 a.m. Time has been ordered excluded through that date.

3. Mr. Garcia respectfully requests that the Court continue the Status Hearing to March 7, 2024 at 9:00 a.m.
4. The government has produced 596 pages and 82 audio/video recordings of discovery.
5. Compelling circumstances exist to grant Mr. Garcia's request. First, defense counsel is actively reviewing discovery in this case. Second, the potential consequences for Mr. Garcia, if convicted, are serious. He faces a ten-year minimum mandatory custodial sentence and potential deportation. Third, Mr. Garcia has been actively litigating bail issues. He most recently had a bail review hearing on December 22, 2023. ECF no. 32. A briefing scheduled is set for a motion to revoke / appeal the Magistrate's denial of that motion. ECF no. 37. His motion is due to be filed no later than January 29, 2024. *Id.* Fourth, defense counsel has been in active litigation in several other cases that have required his more immediate attention. In the last two months, defense has filed time-intensive, substantive motions in two other cases.
6. In this case, Mr. Garcia requires additional time to review the discovery; investigate and research possible defenses; research potential pretrial motions; explore potential resolutions to the case; and otherwise prepare for trial.
7. Mr. Garcia believes that failure to grant his motion would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
8. The government does not object to Mr. Garcia's motion.
9. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (Speedy Trial Act), the parties request that the time period between January 25, 2024 and March 7, 2024, inclusive, be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the Court at the defense's request, based on a finding that the ends of

1 justice served by granting the continuance outweighs the best interest of the
2 public and Mr. Garcia in a speedy trial.

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4 Respectfully submitted,

5 HEATHER E. WILLIAMS
6 Federal Defender

7 Date: January 18, 2024

/s/ Hootan Baigmohammadi
8 HOOTAN BAIGMOHAMMADI
9 Assistant Federal Defender
Attorneys for Defendant
Mr. Garcia

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11 Date: January 18, 2024

PHILLIP A. TALBERT
United States Attorney

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13 /s/ Alstyn Bennett
ALSTYN BENNETT
14 Assistant United States Attorney
Attorneys for Plaintiff
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ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: January 19, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE